

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

TWIN PEAKS SOFTWARE INC.,

Plaintiff/Counterclaim-Defendant,  
v.

RED HAT, INC. AND GLUSTER, INC.,

Defendants/Counterclaim-Plaintiffs.

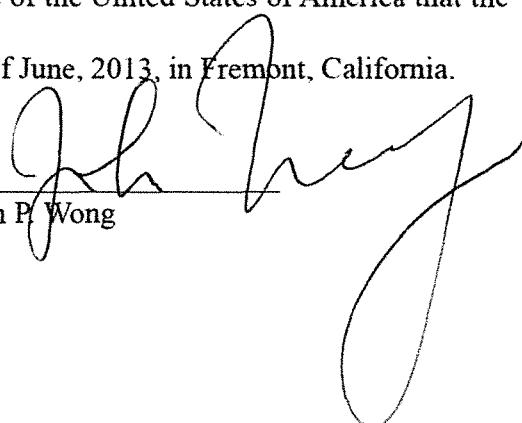
Case No. 5:12-cv-00911 RMW

**AFFIDAVIT OF JOHN P. WONG**

I, John P. Wong, declare and state as follows:

1. I am the founder, Chairman, and Chief Technology Officer of Plaintiff/Counterclaim-Defendant Twin Peaks Software Inc. (“Twin Peaks”).
2. Twin Peaks provides several software products related to file replication, including the My Mirror, Replication Plus and Clustering Plus products (the “Twin Peaks Products”).
3. Defendant/Counterclaim-Plaintiff Red Hat, Inc. has provided me with a letter containing a list of source code files that Red Hat believes are subject to the GNU General Public License Version 2 (the “GPL”).
4. I certify that I have reviewed Red Hat’s letter on behalf of Twin Peaks.
5. I certify that Twin Peaks has ensured that Twin Peaks Products are free from any code subject to the GPL.
6. I certify that, to the best of Twin Peaks’ knowledge, there is no code in Twin Peaks Products subject to the GPL, and that Twin Peaks is not now distributing and will not later distribute software products containing code subject to the GPL without abiding by the terms of the GPL.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19<sup>th</sup> day of June, 2013, in Fremont, California.

By:   
John P. Wong